



PATENT

Attorney Docket No. A-70142-001 (27523/US/1)/RM
Dorsey File No. 469008-97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

McGARRY et al.

U.S. Serial No.: 10/665,389

Filing Date: September 18, 2003

For: *Method and Apparatus for Performing
Biological Reactions on a Substrate
Surface*

Examiner: Not yet assigned

Art Unit: 1645

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on March 10, 2004

Signed: _____

Joyce Abriam
Joyce Abriam

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A.

This application is a continuation of the following related U.S. Application - Serial No. 09/458,534, filed December 9, 1999 (now U.S. Patent No. 6,642,046 B1, issued November 4, 2003). Since copies of these references were provided either by Applicants or the Examiner, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the

reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

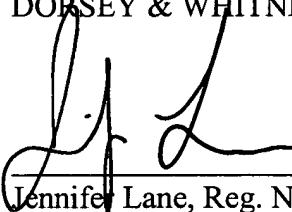
While no fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 469008-97 [A-70142-1 (27523/US/1)/RM]).

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 3/10/04
Dorsey & Whitney LLP
Intellectual Property Department
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY:

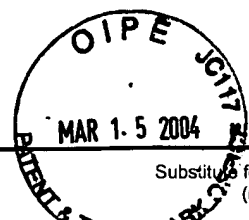

Jennifer Lane, Reg. No. 51,916 for
Robin M. Silva, Reg. No. 38,304

Filed under 37 C.F.R. § 1.34(a)

Customer Number: **32940**

Attachment:

Form PTO/SB/8A-B, Substitute for form PTO 1449 (3 pgs.)



Substitute for form 1449A/PTO
(Modified)
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10/665,389
Filing Date	September 18, 2003
First Named Inventor	Mark W. McGARRY
Art Unit	1645
Examiner Name	Not yet assigned
Attorney Docket Number	A-70142-1 (27523/US/1)/RM

Sheet 1 of 3

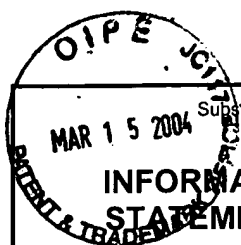
U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	4,734,372	03-29-1988	Rotman	
	A2	4,908,319	03-13-1990	Smyczek et al.	
	A3	4,974,952	12-04-1990	Focht	
	A4	5,038,852	08-13-1991	Johnson et al.	
	A5	5,100,775	03-13-1991	Smyczek et al.	
	A6	5,143,854	09-01-1992	Pirung et al.	
	A7	5,360,741	11-01-1994	Hunnell	
	A8	5,414,556	05-09-1995	Focht	
	A9	5,474,796	12-12-1995	Brennan	
	A10	5,492,806	02-20-1996	Drmanac et al.	
	A11	5,525,464	06-11-1996	Drmanac et al.	
	A12	5,541,061	07-30-1996	Fodor et al.	
	A13	5,545,531	08-13-1996	Rava et al.	
	A14	5,571,639	11-05-1996	Hubbell et al.	
	A15	5,578,832	11-26-1996	Trulson et al.	
	A16	5,580,717	12-03-1996	Dower et al.	
	A17	5,583,043	12-10-1996	Sakariassen	
	A18	5,589,136	12-31-1996	Northrup et al.	
	A19	5,593,839	01-14-1997	Hubbell et al.	
	A20	5,599,695	02-04-1997	Pease et al.	
	A21	5,631,734	05-20-1997	Stern et al.	
	A22	5,695,940	12-09-1997	Drmanac et al.	
	A23	5,733,729	03-31-1998	Lipshutz et al.	
	A24	5,741,463	04-21-1998	Sanadi	
	A25	5,744,305	04-28-1998	Fodor et al.	
	A26	5,770,456	06-23-1998	Holmes	
	A27	5,834,758	11-10-1998	Trulson et al.	
	A28	5,837,832	11-17-1998	Chee et al.	
	A29	5,843,655	12-01-1998	McGall	
	A30	5,847,105	12-08-1998	Baldeschwieler et al.	
	A31	5,856,101	01-05-1999	Hubbell et al.	
	A32	5,856,174	01-05-1999	Lipshutz et al.	
	A33	5,861,242	01-19-1999	Chee et al.	
	A34	5,874,219	02-23-1999	Rava et al.	
	A35	5,882,930	03-16-1999	Baier	
	A36	5,885,837	03-23-1999	Winkler et al.	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2**


 Substitute for form 1449A/PTO
(Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10/665,389
Filing Date	September 18, 2003
First Named Inventor	Mark W. McGARRY
Art Unit	1645
Examiner Name	Not yet assigned
Attorney Docket Number	A-70142-1 (27523/US/1)/RM

 Sheet **2** of **3**
U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A37	5,922,591	07-13-1999	Anderson et al.	
	A38	5,939,312	08-17-1999	Baier et al.	
	A39	5,945,334	08-31-1999	Besemer et al.	
	A40	5,948,673	09-07-1999	Cottingham	
	A41	5,955,283	09-21-1999	Bandman et al.	
	A42	5,955,284	09-21-1999	Braxton et al.	
	A43	6,258,593 B1	07-10-2001	Schembri et al.	
	A44	6,307,042 B1	10-23-2001	Goldberg et al.	
	A45	6,309,601 B1	10-30-2001	Juncosa et al.	
	A46	6,309,602 B1	10-30-2001	Ackley et al.	
	A47	6,309,889 B1	10-30-2001	Cutler et al.	
	A48	6,315,953 B1	11-13-2001	Ackley et al.	
	A49	6,319,472 B1	11-20-2001	Ackley et al.	
	A50	6,331,274 B1	12-18-2001	Ackley et al.	
	A51	6,375,899 B1	04-23-2002	Ackley et al.	
	A52	6,379,897 B1	04-30-2002	Weidenhammer et al.	
	A53	6,385,080 B1	05-07-2002	Heller et al.	
	A54	6,391,559 B1	05-21-2002	Brown et al.	
	A55	6,395,493 B1	05-28-2002	Sosnowski et al.	
	A56	6,429,027 B1	08-06-2002	Chee et al.	
	A57	6,551,817	04-22-2003	Besemer et al.	
	A58	6,597,000	07-22-2002	Stern	
	A59	6,604,902	08-12-2003	Norris et al.	
	A60	6,642,046 B1	11-04-2003	McGarry et al.	
	A61	2002/0174884 A1	11-28-2002	Certa et al.	
	A62	2001/0036672 A1	11-01-2001	Anderson et al.	
	A63	2002/0022261 A1	02-21-2002	Anderson et al.	
	A64	2003/0017081 A1	01-23-2003	Trulson et al.	
	A65	2003/0003499 A1	01-02-2003	Besemer et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number ² Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1	EP 0 870 541 B1*	10-14-1998	Eastman Kodak Co.		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2

